

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN J. ALLEE,)	
)	
Petitioner,)	8:05CV229
)	
v.)	
)	
NEBRASKA ATTORNEY GENERAL, and)	ORDER
WARDEN OF USP-LEAVENWORTH,)	
)	
)	
Respondents.)	
_____)	

This matter is before the court pursuant to an order entered March 4, 2009, giving petitioner thirty days to file a motion for a certificate of appealability. Filing No. 71. Petitioner has failed to file such motion or brief, and accordingly, the court will not issue a certificate of appealability.

THEREFORE, IT IS ORDERED that this court will not issue a certificate of appealability in this case. The Clerk of Court is directed to process the appeal and to send a copy of this Order and a copy of Filing No. 71 to the Eighth Circuit Court of Appeals.

DATED this 22nd day of April, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge